

LEGISLATIVE FISCAL OFFICE

Fiscal Note



Fiscal Note On: SB 65 SLS 09RS 131

Bill Text Version: ORIGINAL

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

| | | | | |
|-------------|-------------------------|---------|----------|----------------|
| Date: | May 4, 2009 | 4:45 PM | Author: | DONAHUE |
| Dept./Agy.: | Judiciary | | Analyst: | Kristy F. Gary |
| Subject: | Code of Civil Procedure | | | |

EVIDENCE

OR NO IMPACT GF EX See Note

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Provides for electronic discovery. (8/15/09)

The proposed legislation requires that a party specifically request production of electronically stored information and specify the form in which it is to be produced in order to obtain discovery of such information. Proposed law requires the court to order that the requesting party pay the reasonable expenses of any extraordinary steps required to retrieve and produce the information if the court orders the responding party to comply with the request. Proposed law exempts a party from providing discovery of electronically stored information from sources not reasonably accessible because of undue burden or cost and requires the responding party to show that the information is not reasonably accessible because of undue burden or cost by motion to compel discovery or for a protective order. Proposed law provides that even if it is shown that a source of electronically stored information is not reasonably accessible, a requesting party may still obtain discovery by showing good cause and the court may also specify other conditions for discovery and also require the requesting party to pay the costs associated with the retrieval of such information.

| EXPENDITURES | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 5 -YEAR TOTAL |
|----------------|-----------|-----------|-----------|-----------|-----------|---------------|
| State Gen. Fd. | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Annual Total | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

| REVENUES | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 5 -YEAR TOTAL |
|----------------|---------|---------|---------|---------|---------|---------------|
| State Gen. Fd. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Annual Total | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

EXPENDITURE EXPLANATION

There is no anticipated direct material effect on state or local governmental expenditures as a result of this measure. Because the parties to a civil procedure are responsible for full cost of litigation, no fiscal impact on state or local expenditures is anticipated as a result of this measure.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate

☐ 13.5.1 >= \$500,000 Annual Fiscal Cost

☐ 13.5.2 >= \$500,000 Annual Tax or Fee Change

Dual Referral Rules

House

☐ 6.8(F) >= \$500,000 Annual Fiscal Cost

☐ 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease

Robert E. Hosse

LFO Staff Director